

JUN 12 2020

UNITED STATES DISTRICT COURT

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY JAB DEP CLK

for the

Easton District of North Carolina

WESTERN Division

Hong Liu

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Eaton Corporation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

S:20-cv-255-FL
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Hong Liu
Street Address	1026 Grogans Mill Drive
City and County	Wake <u>CARY, NC (WAKE)</u>
State and Zip Code	NC 27519
Telephone Number	9196237931
E-mail Address	hong_liu@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Eaton Corporation
Job or Title (<i>if known</i>)	
Street Address	1000 Eaton Blvd
City and County	Beachwood
State and Zip Code	OH, 44122
Telephone Number	(440) 523-5000; 412-893-2597; 412-944-8003;
E-mail Address (<i>if known</i>)	dianaduke@eaton.com ; RobBowser@eaton.com

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	

Telephone Number

E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Eaton Corporation
Street Address	8380 capital blvd
City and County	Raleigh
State and Zip Code	NC, 27616
Telephone Number	(919) 870-3000; 412-893-2597; 919-431-6214

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law *(specify the federal law)*:

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
See Section E below.

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race discrimanted via accent
- ☐ color
- ☐ gender/sex
- ☐ religion
- ☒ national origin discrimanated vial accent
- ☒ age *(year of birth)* 1958 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

Below is a quick summary of the factual background related to the above-referenced complaint (the "Complaint"):

1. On 04/07/2013 The Plaintiff ("Plaintiff" or Liu") was hired as a contractor employee in Eaton's Electrical Sector Software Development Team for QA (the "Test Team") in the Raleigh NC office. Liu's position was software engineer in test ("SET"), reporting to Mr. Max Wandera ("Mr. Wandera"), Quality Assurance Manager of the Test Team.
2. In February 2014 Liu was selected by Eaton management to convert to regular employee of Eaton, out of four contractors working in the Test Team reporting to Mr. Mandera at the time.
3. Throughout almost seven years of work and employment with Eaton until he was unlawfully terminated by Eaton in October 2019, Liu received positive job performance reviews and feedback from his managers and colleagues.
4. From about 2018 through late 2019, Liu was subjected to unfair and discriminatory actions and practices by Eaton management, even though Liu continued to perform his assigned job duties well.
5. In April 2019, Liu's manager issued to Liu a Letter of Concern ("LOC"), for so called "Communication Issue".
6. Liu complained to Eaton management, HR and Ombudsman on Eaton's discriminatory practices from April 2019 through to his unlawful termination in Oct. 2019 by Eaton.
7. Eaton provided Liu in September 2019 with the "AGREEMENT AND GENERAL RELEASE" (the "Termination Agreement"), and officially terminated Liu's employment on Oct. 7th, 2019.

Please see Attachment-A to this Complaint for more details of the relevant facts and the prima facie cases for the Plaintiff for discrimination by Eaton on the basis of age, national origin and accent, and retaliation.

Liu filed the Charge with EEOC on November 19, 2019. EEOC Case: 433-2020-00511. (Attachment B)

EEOC's issued to Liu "Right To Sue" dated on March 17, 2020 (Attachment C).

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

Please see III.E above.

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
- ☒ issued a Notice of Right to Sue letter, which I received on *(date)* 3/17/2020 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☒ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Recovery of all back pay and benefits and all other compensation.
2. Reinstallment to my former job and employment with Eaton, including all benefits, social security, medicare payments and benefits.
3. Compensation and punitive damages for the loss and sufferings incurred by the Plaintiff and family related to, as a result of or in connection with the discriminatory actions and practices by the Defendant, including, without limitation, damage to the physical and mental health of Plaintiff and his family members, and stigma and damage to Plaintiff's reputation.
4. That the court award the plaintiff such other further relief as it may deem just and proper.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

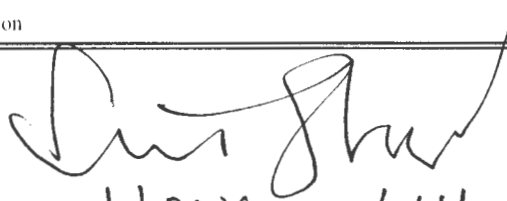
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff


HONG LIY

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address